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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,804	10/11/2001	Thomas J. Drury	X-9317	7832

7590

12/02/2003

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EXAMINER

MARCHESCHI, MICHAEL A

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,804

Applicant(s)

DRURY, THOMAS J.

Examiner

Michael A Marcheschi

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/6/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

Art Unit: 1755

Applicant's election with traverse of claims 1-25 (Group I) in Paper No. 4 is acknowledged. Although applicant traversed this requirement, no arguments have been presented.

The requirement is still deemed proper and is therefore made **FINAL**.

Applicant is required to cancel the non elected claim in response to this action.

Claims 1-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because the phrase "the core material" (line 2) lacks antecedent basis since a "core material" has not been **literally** defined before.

Claim 1 is also indefinite as to the phrase "low viscosity" because the examiner is unclear as to what this encompasses. The term "low" is a relative term which renders the claim indefinite. The term "low" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 1 is also indefinite as to the phrase "which are cured **to** said body" because it does not make sense. Does applicant mean "which are cured **on** said body"?

Claim 1 is also indefinite as to the phrase "follows the contour of the pores **of an outer surface** of said body" because this phrase is not defined in a clear and concise manner.

Claim 11 is indefinite because the phrase “the adhesive particles” (line 2) lacks antecedent basis since “adhesive particles” has not been **literally** defined before. **Does applicant mean “abrasive particles”?**

Claim 12 is indefinite as to the phrase “low viscosity” because the examiner is unclear as to what this encompasses. The term “low” is a relative term which renders the claim indefinite. The term “low” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 15 is indefinite as to the phrase “abrasive skin has composite particles having a size of about 1.2 microns” because this phrase is not defined in a clear and concise manner. This should be changed to “**abrasive skin comprises composite particles having a size of about 1.2 microns**” because this phrase

Claim 17 is indefinite as to the phrase “with its core” because the examiner is unclear as to what “its core” is referring to. What is the core of?

Claim 17 is also indefinite as to the phrase “low viscosity” because the examiner is unclear as to what this encompasses. The term “low” is a relative term which renders the claim indefinite. The term “low” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 17 is also indefinite as to the phrase “uniform **material** porosity” because the examiner is unclear as to what the term “material” means when used in the context of this phrase. **The term “material” should be canceled.**

Claim 18 is indefinite as to the phrase “having a viscosity...core material **mixed with a composite abrasive material**” because this phrase is not defined in a clear and concise manner.

What is applicant claiming?

Claim 19 is indefinite as to the phrase “**cleaning** device” (line 1) because claim 18 claims a polishing device and not literally a cleaning device.

Claim 19 is also indefinite because the phrase “said metal” lacks antecedent basis since a “metal” has not been **literally** defined before.

Claim 20 is indefinite as to the term “PVA” because this does not clearly define the polyvinyl acetal material because “PVA” can also refer to polyvinyl alcohol, which is not intended. **The term “PVA” should be changed to “polyvinyl acetal”.**

Claim 20 is also indefinite because the phrases “the pores” (step a), “said slurry skin” (step c) and “said roller body” (step c) lack antecedent basis since “pores”, a “slurry skin” and a “roller body” have not been **literally** defined before.

Claim 20 is also indefinite as to the phrase “low viscosity” because the examiner is unclear as to what this encompasses. The term “low” is a relative term which renders the claim indefinite. The term “low” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 24 is indefinite as to the phrase “A claim according to claim 20” because this does not properly define the claimed subject matter.

Claim 24 is also indefinite because the phrase “said abrasive material” lacks antecedent basis since an “abrasive **material**” has not been **literally** defined before.

Art Unit: 1755

Claim 25 is indefinite as to the phrase "A claim according to claim 20" because this does not properly define the claimed subject matter.

The other claims are indefinite because they depend on indefinite claims.

Claims 1-25 would be allowable if amended to overcome the indefinite rejections because the prior art of record fails to teach or suggest a polishing device which comprises a porous polyvinyl acetal core body coated with an abrasive/adhesive slurry (abrasive skin), wherein the polishing device also has the claimed features. In addition, the references are silent with respect to the limitations of independent claim 20.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Marcheschi whose telephone number is (703) 308-3815. The examiner can be normally be reached on Monday through Thursday between the hours of 8:30-6:00 and every other Friday between the hours of 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Mark L. Bell, can be reached at (703) 308-3823.

Amendments can also be sent by fax to the numbers set forth below:

For after final amendments, the fax number is (703) 872-9311;

For non-final amendments, the fax number is 703 872-9310.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Michael Marcheschi

Art unit 1755

PRIMARY EXAMINER

11/03